

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 706 - HB 1153

March 23, 2017

SUMMARY OF BILL: Establishes mandatory hours of operation for county election commission offices in counties with a certified administrator of elections. Requires counties to pay certified administrators of elections the same compensation as that received by general officers.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$498,500*

Assumptions:

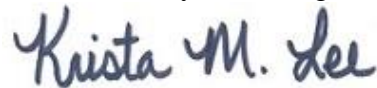
- Pursuant to Tenn. Code Ann. § 2-2-108, county election commissions shall be open certain hours on any day or days of the week as the commission directs.
- The proposed language would require county election commission offices to remain open for set hours at least five days per week.
- It is unknown how many county election commission offices were not currently open five days per week, how many such offices employed persons to staff the office during business hours, and if any offices will require additional staff or expenditures for compensation of current staff.
- It is reasonably estimated that the mandatory recurring increase in local expenditures for additional staff and compensation at the county election commissions for the mandatory hours will exceed \$10,000 per year statewide.
- Pursuant to Tenn. Code Ann. § 2-11-202(b), at least once per calendar year, the state Coordinator of Elections and State Election Commission are to prepare and administer a written examination on election laws to any administrator who desires to take the examination. An administrator who successfully passes such examination shall receive certification from the State Election Commission.
- According to the Division of Elections, there are approximately four counties which do not have certified administrators of elections; however, these four administrators of elections will sit for the certification examination when it is next available.
- It is assumed by the date of this legislation's enactment all 95 administrators of elections will be certified.
- Under currently law, pursuant to Tenn. Code Ann. § 2-12-208, certified administrators of elections whose county election commission office remains open 5 full days a week are entitled to at least 90 percent of the compensation of the county assessor.

- County assessors are classified as county general officers and their compensation is determined based on the population of the county they serve, pursuant to Tenn. Code Ann. § 8-24-102.
- Counties are not prohibited from compensating their certified administrator of elections at a rate exceeding 90 percent of the county assessor, pursuant to Tenn. Code Ann. § 2-12-208(b).
- The rate of compensation for each certified administrator of elections is unknown; however, assuming each administrator of elections is currently receiving 90 percent of the salary of the assessor of property, there will be a mandatory recurring increase in local expenditures of \$488,498 statewide.
- The total mandatory recurring increase in local expenditures is estimated to exceed \$498,498 (\$488,498 + \$10,000) statewide.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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